

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

MARK A. MUNOZ

§

VS.

§

CIVIL ACTION NO. 9:19cv229

BOBBY LUMPKIN, ET AL.

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Mark A. Munoz, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc. The court previously referred this matter to United States Magistrate Judge Christine L. Stetson for consideration pursuant to applicable orders of the court.

The defendants filed a motion to dismiss pursuant to Federal Rule of Federal Procedure 12(b). The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion be granted and the following aspects of plaintiff's claims dismissed: (a) request for money damages for claims under RLUIPA and claims under Section 1983 against the defendants in their official capacities; (b) claims for injunctive relief against the defendants other than defendant Lumpkin; (c) claims against the defendants in their individual capacities under RLUIPA and (d) claims for compensatory damages against the defendants in their individual capacities under Section 1983.

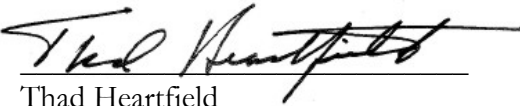
The court has received and considered the Report and Recommendation. Plaintiff filed two sets of objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. The authorities cited by the magistrate judge establish that the motion to dismiss is well taken. Plaintiff's objections fail to demonstrate any error in the magistrate judge's conclusions.

ORDER

Accordingly, the objections filed by plaintiff (doc. nos. 93 and 97) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge (doc. no. 80) is **ADOPTED**. The motion to dismiss (doc. no. 39) is **GRANTED** and the following aspects of plaintiff's claims are **DISMISSED**: (a) request for money damages for claim under RLUIPA and claims under Section 1983 against the defendants in the official capacities; (b) claims for injunctive relief against all defendants except for defendant Lumpkin; (c) claims under RLUIPA against the defendants in their official capacities and (d) claim for compensatory damages against the defendants in their individual capacities under Section 1983.

**SIGNED** this the **8** day of **September, 2022**.

  
Thad Heartfield  
United States District Judge